

IN THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

Muhammad Shabazz Farrakhan, aka Ernest S.)
Walker; Al-Kareem Shadeed; Marcus X. Price;) NO: 06-35669
Ramon Barrientes; Timothy Schaaf; Clifton)
Briceno,) D.C. No. CV-96-0076-RHW
)
Plaintiffs-Appellants,) MOTION AND AFFIDAVIT
) FOR CONTINUANCE OF
v.) EN BANC ORAL
) ARGUMENT
Christine O. Gregoire; Sam Reed; Harrold W.)
Clarke; State of Washington,)
)
Defendants-Appellees.)
)

The Plaintiffs by and through Lawrence A. Weiser, University Legal Assistance and Gonzaga Law School and Ryan Haygood, NAACP Legal Defense Fund, Inc., hereby move the Court for an Order of Continuance of the en banc oral argument set to take place the week of June 21, 2010 in Pasadena California.

This motion is based on FRAP 27 and the attached affidavit of Lawrence A. Weiser.

Dated this 29th day of April, 2010.

/s/ Lawrence A. Weiser

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/s/ Ryan P. Haygood

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Attorneys for Plaintiffs-Appellants

STATE OF WASHINGTON)
)ss.
County of Spokane)

LAWRENCE A. WEISER, being first duly sworn on oath, deposes and
says:

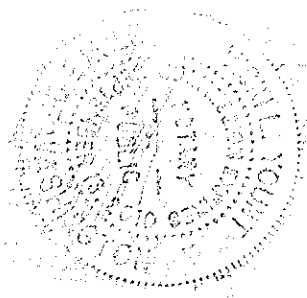
I have been continuously the attorney of record in the above referenced
matter since 1996. The Court has scheduled en banc oral argument for the week of
June 21, 2010. Unfortunately, I will be out of the country during that time. I will

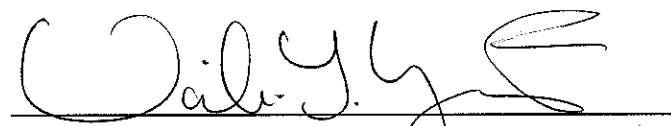
be teaching a law seminar at GV Direito Law School in Sao Paulo, Brazil and have planned to leave on June 6, 2010 and return on June 26, 2010. It is very important to me to attend and participate in this hearing and would greatly appreciate a continuance of the hearing in this case. I have also conferred with Jeffrey Even, Assistant Attorney General for the State of Washington and counsel of record on this case and he has indicated that the state will take no position on the motion for continuance.

Dated this 29th day of April, 2010.


LAWRENCE A. WEISER

SUBSCRIBED AND SWORN to before me this 29 day of April, 2010.




NOTARY PUBLIC in and for the State of
Washington, residing at Spokane, CDA, ID
My Commission expires: 09/13/2010